**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929**

**OP.No. 27591 of 1999(C)**
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**PETITIONERS:**
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**1. V.V. CHATHU, S/O. GOVINDAN,**
**AGED 66 YEARS, WEAVER, RESIDING OF WEAVERS STREET,**
**P.O. PAYYANNUR, PIN - 670 307.**

**<u>*SUPPLIMENTAL PETITIONERS 2 TO 6 IMPLEADED:</u>**

***2. A.V. MADHAVI, W/O. V.V. CHATHU,**
**AGED 58 YRS., VAYALILE VEETTIL,**
**PAYYANNUR THERU, PAYYANNUR.**

***3. V.V. REMANY, D/O. V.V. CHATHU,**
**AGED 35 YRS., VAYALILE VEETTIL,**
**PAYYANNUR THERU, PAYYANNUR.**

***4. V.V. MANY S/O. V.V. CHATHU,**
**AGED 32 YRS., VAYALILE VEETTIL,**
**PAYYANNUR THERU, PAYYANNUR.**

***5. V.V. BABU, S/O. V.V. CHATHU,**
**AGED 29 YRS., VAYALILE VEETTIL,**
**PAYYANNUR THERU, PAYYANNUR.**

***6. V.V. SURESH, S/O. V.V. CHATHU,**
**AGED 26 YRS., VAYALILE VEETTIL,**
**PAYYANNUR THERU, PAYYANNUR.**

***SUPPLEMENTAL PETITIONERS 2 TO 6 ARE IMPLEADED AS PER ORDER DATED 20/06/2007 IN I.A. NO. 7515/2003.**

**BY ADV. SRI.C.K.SUDHEER,**
**SRI.V.PREMCHAND,**

**O.P. NO. 27591/1999:**

**RESPONDENTS:**
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1. **THE UNION OF INDIA, REPRESENTED BY CENTRAL PROVIDENT FUND COMMISSIONER, NEW DELHI.**

2. **THE REGIONAL PROVIDENT FUND COMMISSIONER, ERANJIPALAM, KOZHIKODE.**

3. **THE ASSISTANT PROVIDENT FUND COMMISSIONER, KANNUR.**

**BY ADV.SRI.K.R.RAJKUMAR, ADDL.CGSC,**
**ADV. SRI. N.N. SUGUNAPALAN, S.C.**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**O.P. NO. 27591/1999:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P.1: COPY OF THE LETTER OF OPTION DTD. 13/05/1996.**

**EXT.P.2: COPY OF THE RESOLUTION OF CO-OPERATIVE SOCIETY DTD. 26/03/1997.**

**EXT.P.3: COPY OF THE AGE CERTIFICATE DTD. 07/07/1997 ISSUED BY AN ASSISTANT SURGEON OF TALUK H.Q. HOSPITAL, THALIPARAMBA.**

**EXT.P.4: COPY OF THE REGISTERED JENMAM DEED DTD. 19/07/1983.**

**EXT.P.5: COPY OF THE FORM 10-D PPLICATION DTD. 29/07/1997.**

**EXT.P.6: COPY OF THE ORDER DTD. 01/10/1997 REJECTING THE FORM 10-D.**

**//TRUE COPY//**

**prv.**

**KURIAN JOSEPH J.**

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**O.P. NO.27591 OF 1999**

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**Dated 20th June, 2007.**

**J U D G M E N T**

Petitioner is aggrieved by Ext.P6 communication from the third respondent. It is the stand taken by the third respondent that since the petitioner had attained the age of 60 prior to 1.4.1993, he is not entitled to the pension under the new scheme. It is the contention of the petitioner that he is entitled for pension under the new scheme, even if retirement is prior to 1.4.1993, going by several decisions of this Court. It is for the interested parties to approach the second respondent by way of an appropriate representation within two months from today, in which case, the matter will be duly considered by the second respondent with notice to them and appropriate action in accordance with law will be taken, within another three months.

The writ petition is disposed of as above.

**KURIAN JOSEPH, JUDGE.**

**tgs**

**KURIAN JOSEPH, J.**

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**O.P. NO.27591 OF 1999 (I)**

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**J U D G M E N T**

**Dated 20th June, 2007.**